1947.

File No. Public-Trusts Regi. II/47

Legal DEPARTMENT

B BRANCH

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Subject:— Rules and Notification under the Bombay Public Trusts Registration Act, 1935

P.11.14

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C O N T E N T S.

Legal Department File No.Public Trusts Registration II/47.

S.No.	Compilation No.	Subject.	Pages.
		Bombay Public Trusts Registration Act, 1935.	
1	U.O. to S.D.No.2108 dtd. 5-3-47.	S.2(2) - Notification under ———	1 - 3
2.	U.O.to S.D.No.6352 dated 19.6.47	S.4 - Notification under S.4, Parsi Public Trusts Registration Act, 1936....	
		Notification under -	9 - 14.

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Office of the R.L.A.

It is true that under the provisions of sub-section (1) of section 2 of the Bombay Public Trusts Registration Act, 1935 (Bom. XXV of 1935), the provisions of the said Act apply in the first instance to public trusts created or existing solely for the benefit of the Hindu community or any section of such community and, having an annual gross income of not less than Rs.1000. It is also true that under the provisions of sub-section (2) of the said section 2, all or any of the provisions of the said Act can be applied to any other public trust or class of public trusts, having an income of less than Rs.1000. But from the copy of the debate on the motion by Mr. Chantilal N.Shah, M.L.C. , on the 16th September 1946, and especially the mx remarks of the H.P.M. in reply to Mr. D.V.Pelvi, M.L.C., it appears that the intention is to apply the Bombay Public Trusts Registration Act,1935, to those public trusts which have an annual gross income of not less than one thousand rupees. Accordingly the view of the Secretary, R.D., to that effect on pages 5-6 ante, is correct. The draft notification at page 7, provides accordingly and a revised draft thereof is sent herewith.

Sd/- D.V.Vyas.

Remembrancer of Legal Affairs.

U.R. to H.D. No.2128 dated the 5th. March 1947.

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NOTIFICATION.

Revenue Department.

Bombay Castle, 1947.

Bombay Public Trusts Registration Act, 1935.

No. - The following draft of a notification which it is proposed to issue under sub-section (2) of section 2 of the Bombay Public Trusts Registration Act, 1935 (Bom. XXV of 1935), is published as required by the said sub-section (2) for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after..... .....

2. Any objection or suggestion which may be received in writing by the Secretary to the Government of Bombay in the Revenue Department, from any person with respect to the said draft before the aforesaid date, will be considered by the Government of Bombay:-

Draft Notification.

No. - In exercise of the powers conferred by sub-section (2) of section 2 of the Bombay Public Trusts Registration Act, 1935 (Bom.XXV of 1935), the Government of Bombay is pleased to direct that all the provisions of the said Act shall apply to all public trusts having an annual gross income of not less than Rs.1000, other than those to which the Muzalman Wakf Act, 1923, and the Parsi Public Trusts Registration Act, 1936, apply.

By order of the Governor of Bombay,

Secretary to Government.

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The two draft notifications under section 4 of the Parsi Public Trusts Registration Act, 1936 and the Bombay Public Trusts Registration Act, 1935 at pages 37-39 ante, as amended, are in order. However, the proposal to amend the Parsi Public Trusts Registration Rules, 1937, and the Bombay Public Trusts Registration Rules,1937 as envisaged in the draft notifications at pages 41-43 ante is neither necessary nor feasible for the reasons mentioned below.

2. Section 6 of the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, provides inter alia that notwithstanding anything contained in that Act all proceedings of whatever nature pending before any public officer, in or in respect of any of the areas comprised in Greater Bombay at the - Commencement of the said Act shall be disposed of by such authority as the Provincial Government may direct and in the absence of such direction any such proceedings shall be continued and disposed of as if this Act had not been passed. The Registrars appointed under section 4 of both the Bombay Public Trusts Registration Act, 1935 and the Parsi Public Trusts Registration Act, 1936, are public officers and the words "proceedings of whatever nature" being very comprehensive would include the submission of accounts, contribution to the - Administration Fund etc. in respect of the trusts registered under both the Acts. By the combined operation of section 6 of the Greater Bombay Laws etc. Act and the proposed notifications extending the jurisdiction of the Chief Judge, Small Cause Court, the Provincial Government can transfer the trust proceedings in question from the Registrar Thana to the Registrar Greater Bombay by a direction issued under the said section 6.

3. No general rule providing for transfer of - registration from one Registrar to another as proposed can be framed. Under the Scheme of both the Bombay Public Trusts Registration Act,

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1935 and the Parsi Public Trusts Registration Act,1936 a trust is required with the Registrar within whose jurisdiction the whole or any substantial portion of the subject-matter of the trust is situate.
Any such rule therefore allowing transfer for the convenience of the trustees etc. would be repugnant to the sprit of the said Acts.

Sd/- P.M.Lad,
19/6/47

Remembrancer of Legal Affairs.

U.R. to R.D. No.6352 dated the 19th June 1947.

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NOTIFICATION.
Revenue Department,
Bombay Castle, 1947.

Parsi Public Trusts Registration Act, 1936.

No.6336/33 - In exercise of the powers conferred by section 4 of the Parsi Public Trusts Registration Act, 1936 (Bom. XXIII of 1936), the Government of Bombay is pleased to amend Government Notification in the Revenue Department, No. ~~6369~~ 6336/33(a) dated the 8th December 1937 as follows, namely:-

In the said notification for the words "the City of Bombay" occurring in clause (1), the words " Greater Bombay", shall be substituted.

By order of the Governor of Bombay,

Secretary to Government.

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NOTIFICATION.
Revenue Department.
Bombay Castle, 1947.

Bombay Public Trusts Registration Act,1935.

No.4792/33 - In exercise of the powers conferred by section 4 of the Bombay Pu Public Trusts Registration Act, 1935 (Bom.XXV of 1935), the Government of Bombay is pleased to amend amend Government Notification in the Revenue Department No. 4792/33(b) dated the 8th December 1937, as follows, namely:-

In the said notification for the words "the City of Bombay" occurring in clause (1), the words "Greater Bombay" shall be substituted.

By order of the Governor of Bombay,

Secretary to Government .

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NOTIFICATION.
Revenue Department,
Bombay Castle, 1947.

Parsi Public Trusts Registration Act, 1936.

No.6336/33 - The following draft of a notification which it is proposed to issue under section 25 of the Parsi Public Trusts Registration Act, 1936 (Bom.XXIII of 1936), is published as required by sub-section (3) of the said section 25 for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after ~~the 1947~~. X 1947.

X to be filled in by R.D.

2. Any objection or suggestion which may be received by the Secretary to the Government of Bombay in the Revenue Department from any person with respect to the said draft before the date aforesaid will be considered by the Government:-

DRAFT NOTIFICATION.

No. - In exercise of the powers conferred by section 25 of the Parsi Public Trusts Registration Act, 1936,(Bom.XXIII of 1936), the Government of Bombay is pleased to amend the Parsi Public Trusts Registration Rules,1937, as follows:-

After rule 21 of the said Rules, the following new rule shall be inserted, namely:-

22. Transfer of registration of a public trust from one Registrar to another- the Registrar with whom a public trust has been registered may, either on his own motion or upon the application of the Manager of the trust, order that the registratio of the trust be transferred to another Registrar wit in the area of whose jurisdiction the whole or a substantial portion of the property of such trust is situated or is for the time being administered.

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NOTIFICATION.
Revenue Department
Bombay Castle, 1947.

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No.4792/33 - The following draft of a Notification which it is proposed to issue under the section 27 of the Bombay Public Trusts Registration Act, 1935 (Bom.XXV of 1935), in published as required by sub-section (3) of the said section 27 for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the ~~1947~~. x 1947

x to be filled in by R.D.

2. Any objection or suggestion which may be received by the Secretary to the Government of Bombay in the Revenue Department, from any person with respect to the/said draft before the date aforesaid will be considered by the Government:-

DRAFT NOTIFICATION.

No. .- In exercise of the powers conferred by section 27 of the Bombay Public Trusts Registration Act, 1935(Bom.XXV of 1935), the Government of Bombay is pleased to amend the Bombay Public Trusts Registration Rules,1937, as follows, namely:-

After rule 22 of the said Rules, the following new rule shall be inserted, namely:-

"23. Transfer of registration of a public trust from one to another the Registrar with whom a public trust has been registered may, either on his own motion or upon the application of the Manager of the trust, order that the registration of the trust be transferred to another Registrar within the area of whose jurisdiction the whole or a substantial portion of the Property of such

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trust is situated or is for the time being administered. On such an order being made, the Registrar making the order shall send certified copies of all entries relative to the trust made in the Register of Bombay Public Trusts maintained by him and all statements and other documents filed with him as relating to such trust, to ~~him~~ the Registrar to whom the registration is to be transferred, who shall then record all the requisite entries relating to trust in the Registrar of Public Trusts maintained by him and take the other statements and documents on his ~~file~~ file as if the trust had been originally registered with him".

By order of the Governor of Bombay,

Secretary to Government.

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